

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

At the outset, appreciation is expressed to Examiner Huynh for the courtesy extended to the undersigned during the July 8, 2009 personal interview regarding this application. The substance of the interview is reflected in the following remarks.

The claims are amended as suggested in the Official Action and as discussed during the interview to address the issue raised in section "3" on page two of the Official Action. Withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is therefore respectfully requested.

Independent Claim 1 is rejected as being anticipated by U.S. Patent No. 4,817,363, hereinafter St. Clair.

The Official Action takes the position that St. Clair discloses a unit as recited, and particularly that St. Clair's conveyor means 31 constitute a first conveyor for feeding packages along a path, "where the gripper assemblies deposit the spouts (49) into openings (36) of the containers (35)" constitutes an application station, and the flying platform 116 constitutes a third conveyor interfacing the path of the conveyor means 31 from the "application station". During the interview, the Examiner agreed that varying the original wording in Claim 1 in minor respects as discussed below to recite in different terms that which was already claimed would overcome the rejection of record.

Specifically, Claim 1 is amended to recite that the third conveyor has a trajectory interfacing with the first path along at least a portion at the application station. Clearly, St. Clair's flying platform 116 does not have a trajectory interfacing

with a portion of the path of the conveyor means 31 at the location that the gripper assemblies deposit the spouts 49 into openings 36 of the containers 35.

For at least the above reasons, Claim 1 is allowable over St. Clair, and withdrawal of the rejection of Claim 1 is respectfully requested.

Claim 20 is also rejected as being anticipated by St. Clair.

The rejection of Claim 20 is based on similar reasoning as discussed above with respect to Claim 1. However, during the interview, the Examiner agreed that varying the original wording in Claim 20 in minor respects as discussed below to recite in different terms that which was already claimed would overcome the rejection of record.

Specifically, Claim 20 is amended to recite a movable pressure member separate from the grippers and movable along at least a portion of the linear path and including the application station. Clearly, the movement of St. Clair's flying platform 116 does not include the location that the gripper assemblies deposit the spouts 49 into openings 36 of the containers 35.

For at least the above reasons, Claim 20 is also allowable over St. Clair, and withdrawal of the rejection of Claim 20 is also respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: *Peter T. deVore*
Matthew L. Schneider
Registration No. 32814

Peter T. deVore
Registration No. 60361

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620